

321 CMR: DIVISION OF FISHERIES AND WILDLIFE.

321 CMR 9.00: EXOTIC VERTEBRATE WILDLIFE.

9.01: Exemption List.

Pursuant to the authority granted in M.G.L. c. 131, § 23, herewith is established a list of species which are exempt from the licensing provisions of M.G.L. c. 131, § 23. This list includes wild (i.e., non-domesticated) vertebrate animals which may be imported, sold or possessed without a permit. Note, however, that listing below does not affect other licensing requirements which may be applicable under Federal, State or local laws, including special endangered species and export restrictions of other states.

(1) Purpose. The purpose of 321 CMR 9.01 is to list those species which are exempt from the licensing provisions of M.G.L. c. 131, § 23, and which may be imported, possessed, maintained, propagated, bought, sold, exchanged or offered for sale without a license or permit from the Division. Species not listed, or which are expressly listed as “require(s) a permit”, are not exempt from the provisions of M.G.L. c. 131, § 23.

(2) Definitions. For the purposes of 321 CMR 9.01 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Aquarium means an enclosed indoor facility or an outdoor holding facility that lacks an inlet or outlet, or such other holding facility as approved by the Director.

Aquarium Trade Fish means those freshwater fish which cannot survive year-round in a wild environment above 30° north latitude (approximately from Jacksonville, FL west to Ensenada, CA) or below 30° south latitude (approximately from Puerto-Alegre, Brazil west to La Serena, Chile). Notwithstanding the foregoing, aquarium trade fish shall also include the goldfish (*Carassius auratus*), koi or Japanese carp (*Cyprinus carpio*), and guppies (*Poecilia* spp.), but shall not include tilapia (*Tilapia* spp.) which require a permit.

Director means the Director of the Division of Fisheries and Wildlife or his authorized agent.

Division means the Massachusetts Division of Fisheries and Wildlife, with principal offices at ~~100 Cambridge Street, Leverett Saltonstall Building, Room 1902~~ **251 Causeway Street**, Boston, MA **02114** 02202 (tel. ~~617-727-3151~~).

Domestic or domesticated means those species listed as domestic pursuant to 321 CMR 9.02(3).

Exempt or kept without a permit means that the animal may be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange without a license or permit.

License or permit means a license or permit issued pursuant to the authority of M.G.L. c. 131, § 23.

Non-exempt or require(-s) a permit means that the animal may not be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange except by a person holding a current and valid license or permit.

Person means any individual, partnership, profit or non-profit corporation, firm, business, or other commercial or non-commercial entity, club, organization, or association.

Species means an individual or individuals of any distinct non-domestic vertebrate animal population whose members interbreed when mature or are self-perpetuating through the production of viable offspring and can include any subspecies or variety of vertebrate animal.

(3) Categorical Non-exemptions: No species in any of the following categories may be exempted:

- (a) Threatened or endangered species listed pursuant to the U.S. Endangered Species Act of 1973, as amended.
- (b) Species listed in the Red Book(-s) of the International Union for the Conservation of Nature.
- (c) Species appearing on the Massachusetts list of endangered, threatened, and special concern species at 321 CMR **10.90** ~~10.60~~.

(4) Exemption Criteria: Animals exempted below are believed to meet the following criteria:

- (a) Accidental release of the fish, amphibian, reptile, bird, or mammal will not result in an adverse effect on the ecology of the state.
- (b) The animal in captivity, or escaped therefrom, poses no substantial danger to humans, either by injury or disease.
- (c) Proper care of the animal is no more demanding in any major respect than proper care of domestic animals.
- (d) Trade in the fish, bird, mammal, reptile or amphibian has no significant adverse effect on the wild population of such animal in any of its native habitats.

(5) Sources of Acquisition. Except as provided in 321 CMR 3.05, exempt animals may be obtained from the following sources only:

- (a) lawfully propagated within Massachusetts, or

(b) lawfully taken or lawfully propagated without Massachusetts, provided that the export, sale, or exchange of such animals is lawful in the state or country in which animals are taken or propagated.

(6) Liberation. No person shall liberate or cause to be liberated any exempt animal, except in accordance with a liberation permit issued pursuant to 321 CMR 2.15.

(7) Quarantine. Notwithstanding the provisions of 321 CMR 9.01(1), the Director may examine, quarantine and destroy exempt animals and may restrict or prohibit the importation thereof in accordance with the provisions of M.G.L. c. 131, §§ 19, 19A, 25A, and 25B, and the penalty for violation of such quarantine shall be as provided in M.G.L. c. 131, § 25C.

(8) List of Fish. All aquarium trade fish may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3), and except that the following species are prohibited without a permit:

- (a) Grass Carp or White Amur (*Ctenopharyngodon idella*)
- (b) Piranha (*Pygocentrus* spp. and *Serrasalmus* spp.)
- (c) Rudd (*Scardinius erythrophthalmus*)
- (d) Walking Catfish (*Clarias* spp. and all members of the family Clariidae).

Notwithstanding the above, the fathead minnow (*Pimephales promelas*) and the bluntnose minnow (*Pimephales notatus*) may be kept without a permit as a pet or for sale as a pet, but require a permit when sold as bait fish pursuant to 321 CMR 4.09.

(9) List of Amphibians. All amphibians may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3).

(10) List of Reptiles.

(a) Turtles: all species of turtles may be kept without a permit, except:

1. species categorically non-exempt pursuant to 321 CMR 9.01(3).
2. Argentina or Chaco Tortoise (*Geochelone chilensis*).
3. Gopher tortoises (*Gopherus polyphemus*) and all other species in the genus *Gopherus*.

4. Pancake Tortoise (*Malacochersus tornieri*).

5. Spotted Turtle (*Clemmys guttata*).

(b) Snakes: All venomous snakes require a permit. The following snakes may be kept without a permit:

1. All species of boas and pythons (family Boidae), except those species categorically non-exempt pursuant to 321 CMR 9.01(3), and except the Emerald Tree Boa (*Corallus caninus*), Green Tree Python (*Chondropython* spp.), African Rock Python (*Python sebae*), Reticulated Python (*Python reticulatus*) and all species of Anaconda (*Eunectes* spp.), which require a permit.

2. Shield-tailed Snakes, Sunbeam Snakes, and others in the families Uropeltidae and Xenopeltidae.

3. Worm Snakes, Thread Snakes, and others in the families Typhlopidae, Leptotyphlopidae, and Anomalepididae.

4. Snakes of the family Colubridae, as follows:

Asian Rat Snakes (*Elaphe* spp. and *Ptyas* spp. and *Zaocys* spp.)

Bogetophis spp.

Brown and Redbelly Snakes (*Storeria* spp.)

Diadem Snakes (*Spalerosophis* spp.)

Garter and Ribbon Snakes (*Thamnophis* spp.)

Glossy Snakes (*Arizona* spp.)

Gopher and Pine Snakes (*Pituophis* spp.)

Green Snakes (*Opheodrys* spp.)

Ground Snakes (*Sonora* spp.)

House Snakes (*Boaedon [Lamprophis]* spp.)

Kingsnakes and Milk Snakes (*Lampropeltis* spp.)

North American Rat Snakes (*Elaphe* spp.) except the Black Rat Snake (*E.o. obsoleta* other than albinistic and leucistic individuals) which requires a permit.

Pseudaspis spp.

Pseustes spp.

Texas Indigo Snake (*Drymarchon corais erebennus*)

Tropical Rat Snakes (*Spilotes* spp.)

Water Snakes (*Nerodia [Natrix]* spp.)

Western Hognose Snake (*Heterodon nasicus*)

(c) Lizards: All chameleons (Chameontidae), the Gila Monster and Beaded Lizard (Heloderatidae), and all Monitors (Varanidae) require a permit. The following lizards may be kept without a permit:

1. All Skinks (Scincidae) except for the following which require a permit:

Species categorically non-exempt pursuant to 321 CMR 9.01(3).

Florida Sand Skinks (*Neoseps* spp.)

Solomon Island Ground Skink (*Tribolonotus* spp.)

2. The following Girdle-tailed Lizards (Cordylidae) may be kept without a permit:

False Club-tailed Lizards (*Pseudocordylus* spp.)

Girdle-tailed Lizards (*Cordylus* spp.)

Plated Lizards (*Gerrhosaurus* spp.)

Rock Lizards (*Platysaurus* spp.)

Zonosaurus spp.

3. All Teiids (Teiidae) may be kept without a permit except for the following which require a permit:

Species categorically non-exempt pursuant to 321 CMR 9.01(3)

Brown Water Teiids (*Neusticurus* spp.)

Dicrodon spp.

Earless Teiids (*Bachia* spp.)

Rough Teiids (*Echinosaura* spp.)
Snake Teiids (*Ophiognomon* spp.)
Spectacled Teiids (*Gymnophthalmus* spp.)
Worm Teiids (*Scolacosaurus* spp.)

4. The following Lacertid Lizards (Lacertidae) may be kept without a permit:

Acanthodactylus spp.
Gallotia spp.
Lacerta spp.
Podarcis spp.
Psammodromus spp.

5. The following Lateral-fold Lizards (Anguidae) may be kept without a permit:

Alligator Lizards (*Gerrhonotus* spp.)
Glass Lizards (*Ophisaurus* spp.)
Slowworm (*Anguis* spp.)

6. All Gekkos (Gekkonidae) may be kept without a permit except: Species categorically non-exempt pursuant to 321 CMR 9.01(3) and the Big Bend Gekko (*Coleonyx reticulatus*) which require a permit.

7. The following Iguanid Lizards (Iguanidae) may be kept without a permit:

Basilisks (*Basiliscus* spp.)
Collared and Leopard Lizards (*Crotaphytus* spp.)
Common or Green Iguanas (*Iguana i. iguana*)
False or Spring-tailed Iguanas (*Ctenosaurus* spp.)
Liolaemus spp.
New World Chameleons (*Anolis* spp. and *Ctenotus* spp.)
Spiny Lizards (*Sceloporus* spp.)
Tree and Bush Lizards (*Urosaurus* spp.)
Uranoscodon spp.
Zebra-tailed Lizards (*Callisaurus* spp.)

8. The following Agamid Lizards (Agamidae) may be kept without a permit:

Amphibolorus spp.
Calotes spp.
Hydrosaurus spp.
Pogona spp.

Water Dragon (*Physignathus* spp.)

9. Night Lizards (Xantusiidae): All Night Lizards (*Xantusia* spp.) may be kept without a permit, except for the Utah Night Lizard (*Xantusia virgilis utahensis*) which requires a permit.

(11) List of Birds.

(a) The following groups of birds are prohibited without a permit:

1. Species categorically non-exempt pursuant to 321 CMR 9.01(3).
2. Migratory birds listed in the Code of Federal Regulations, 50 CFR 10.13.
3. Any other bird native to the United States and Canada.

(b) Except for species listed in 321 CMR 9.01(11)(a), the following birds or groups of birds may be kept without a permit:

1. Blue or Button Quail (*Coturnix chinensis*)
2. Columbidae (pigeons and doves)
3. Estrildidae (Waxbills and allies)
4. Fringillidae (Finches and allies)
5. Ploceidae (Weaver Finches except the Red-billed, Black-fronted, and Sudan Diochs) which require a permit.
6. Psittacidae (parrots and their allies)
7. Ramphastidae (Toucans, Aracaris, and Toucanets)
8. Sturnidae (Starlings and Mynahs, except the Rose-colored Starling (Pink Starling or Rosy Pastor) (*Sturnus roseus*) which requires a permit.

(12) List of Mammals.

(a) The following mammals may be kept without a permit:

1. Four-toed (African pygmy) hedgehog (*Erinaceus albiventris*) (= *Atelerix pruneri*)
2. Chinchilla (*Chinchilla* spp.) derived from captive stock
3. Deer Mouse and White-footed Mouse (*Peromyscus maniculatus* and *P. leucopus*)
4. Degu (*Octodon degus*)
5. Egyptian Spiny Mouse (*Acomys cahirinus*)
6. House Mouse (*Mus musculus*)
7. Jerboas (*Dipus* spp.)
8. Norway Rat (*Rattus norvegicus*)
9. Paca (*Cuniculus* spp.)
10. Southern Flying Squirrel (*Glaucomys volans*)
11. Striped hamster (*Cricetulus barabensis*), also known as the Chinese or Siberian dwarf hamster. NOTE: the golden hamster (*Mesocricetus auratus*) may be kept without a permit pursuant to 321 CMR 9.02.

Regulatory Authority: M.G.L. c. 131, § 23.